

# Permit to Modify



**R13-3111B**

*This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§22-5-1 et seq.) and 45 C.S.R. 13 – Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation. The permittee identified at the above-referenced facility is authorized to construct the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.*

*Issued to:*  
**Bayer CropScience**  
**Institute Site**  
**039-00007**

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*William F. Durham*  
*Director*

*Issued: **Draft***

This permit will supercede and replace Permit R13-3111A.

Facility Location: On State Route 25  
Institute, Kanawha County, West Virginia

Mailing Address: P.O. Box 1005  
Institute, WV 25112

Facility Description: Chemical Manufacturing Complex

NAICS Codes: 325320

UTM Coordinates: 432.0 km Easting • 4,248.3 km Northing • Zone 17

Permit Type: Modification

Description of Change: This action is for the installation of 3, 350 MMBtu/hr, natural gas fired boilers that are equipped with low-NO<sub>x</sub> burners.

*Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §§22-5-14.*

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*The source is subject to 45CSR30. Changes authorized by this permit must also be incorporated into the facility's Title V operating permit. Commencement of the operations authorized by this permit shall be determined by the appropriate timing limitations associated with Title V permit revisions per 45CSR30.*

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## 1.0. Emission Units

| Emission Unit ID | Emission Point ID | Emission Unit Description   | Year Installed | Design Capacity (MMBtu/hr) | Control Device |
|------------------|-------------------|---|----------------|----------------------------|----------------|
| Boiler 13*       | 480J              | Boiler 13; Zurn Model RB741 Natural Fired Boiler with low-NO <sub>x</sub> Burner and Flue Gas Recirculation | 2013           | 80 MMBtu/hr                | None           |
| Boiler 14*       | 480K              | Boiler 14; Zurn Model RB741 Natural Fired Boiler with low-NO <sub>x</sub> Burner and Flue Gas Recirculation | 2013           | 80 MMBtu/hr                | None           |
| Boiler 15*       | 480L              | Boiler 15; York Shiply Model RB 757 Natural Gas Fired Boiler with low-NO <sub>x</sub> Burner                | 2014           | 27.3 MMBtu/hr              | None           |
| B016             | E016              | Boiler 16 <sup>1</sup> ; Industrial Boiler Natural Gas Fired Boiler with low-NO <sub>x</sub> Burner         | 2015           | 350 MMBtu/hr               | None           |
| B017             | E017              | Boiler 17 <sup>1</sup> ; Industrial Boiler Natural Gas Fired Boiler with low-NO <sub>x</sub> Burner         | 2015           | 350 MMBtu/hr               | None           |
| B018             | E018              | Boiler 18 <sup>1</sup> ; Industrial Boiler Natural Gas Fired Boiler with low-NO <sub>x</sub> Burner         | 2015           | 350 MMBtu/hr               | None           |

\* - Scheduled to be removed 180 days after initial start-up of Boiler Nos. 16, 17, and 18 or no later than after the first 90 consecutive operating days of any one Boiler Nos. 16, 17, and 18.

1- Boiler Nos. 16, 17, and 18 are new affected units under Subpart Db to Part 60 and Subpart DDDDD to Part 63.

## 2.0. General Conditions

### 2.1. Definitions

- 2.1.1. All references to the “West Virginia Air Pollution Control Act” or the “Air Pollution Control Act” mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The “Clean Air Act” means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. “Secretary” means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary’s designated representative for the purposes of this permit.
- 2.1.4. Unless otherwise specified in a permit condition or underlying rule or regulation, all references to “rolling yearly total” shall mean the sum of the monthly data, values or parameters being measured, monitored, or recorded, at any given time for the previous twelve (12) consecutive calendar months.

### 2.2. Acronyms

|                             |  |                                |   |
|-----------------------------|--|--------------------------------|---|
| <b>CAAA</b>                 | Clean Air Act Amendments               | <b>NO<sub>x</sub></b>          | Nitrogen Oxides                                 |
| <b>CBI</b>                  | Confidential Business Information      | <b>NSPS</b>                    | New Source Performance Standards                |
| <b>CEM</b>                  | Continuous Emission Monitor            | <b>PM</b>                      | Particulate Matter                              |
| <b>CES</b>                  | Certified Emission Statement           | <b>PM<sub>2.5</sub></b>        | Particulate Matter less than 2.5 µm in diameter |
| <b>C.F.R. or CFR</b>        | Code of Federal Regulations            | <b>PM<sub>10</sub></b>         | Particulate Matter less than 10µm in diameter   |
| <b>CO</b>                   | Carbon Monoxide                        | <b>Ppb</b>                     | Pounds per Batch                                |
| <b>C.S.R. or CSR</b>        | Codes of State Rules                   | <b>Pph</b>                     | Pounds per Hour                                 |
| <b>DAQ</b>                  | Division of Air Quality                | <b>Ppm</b>                     | Parts per Million                               |
| <b>DEP</b>                  | Department of Environmental Protection | <b>Ppm<sub>v</sub> or ppmv</b> | Parts per Million by Volume                     |
| <b>dscm</b>                 | Dry Standard Cubic Meter               | <b>PSD</b>                     | Prevention of Significant Deterioration         |
| <b>FOIA</b>                 | Freedom of Information Act             | <b>Psi</b>                     | Pounds per Square Inch                          |
| <b>HAP</b>                  | Hazardous Air Pollutant                | <b>SIC</b>                     | Standard Industrial Classification              |
| <b>HON</b>                  | Hazardous Organic NESHAP               | <b>SIP</b>                     | State Implementation Plan                       |
| <b>HP</b>                   | Horsepower                             | <b>SO<sub>2</sub></b>          | Sulfur Dioxide                                  |
| <b>lbs/hr</b>               | Pounds per Hour                        | <b>TAP</b>                     | Toxic Air Pollutant                             |
| <b>LDAR</b>                 | Leak Detection and Repair              | <b>TPY</b>                     | Tons per Year                                   |
| <b>M</b>                    | Thousand                               | <b>TRS</b>                     | Total Reduced Sulfur                            |
| <b>MACT</b>                 | Maximum Achievable Control Technology  | <b>TSP</b>                     | Total Suspended Particulate                     |
| <b>MDHI</b>                 | Maximum Design Heat Input              | <b>USEPA</b>                   | United States Environmental Protection Agency   |
| <b>MM</b>                   | Million                                | <b>UTM</b>                     | Universal Transverse Mercator                   |
| <b>MMBtu/hr or mmbtu/hr</b> | Million British Thermal Units per Hour | <b>VEE</b>                     | Visual Emissions Evaluation                     |
| <b>MMCF/hr or mmcf/hr</b>   | Million Cubic Feet per Hour            | <b>VOC</b>                     | Volatile Organic Compounds                      |
| <b>NA</b>                   | Not Applicable                         | <b>VOL</b>                     | Volatile Organic Liquids                        |
| <b>NAAQS</b>                | National Ambient Air Quality Standards |                                |   |

**NESHAPS**      National Emissions Standards  
for Hazardous Air Pollutants

**2.3. Authority**

This permit is issued in accordance with West Virginia Air Pollution Control Act W.Va. Code §§ 22-5-1. et seq. and the following Legislative Rules promulgated thereunder:

- 2.3.1. 45CSR13 – *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation;*
- 2.3.2. 45CSR14 – *Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration;*
- 2.3.3. 45CSR19 – *Requirements for Pre-Construction Review, Determination of Emission Offsets for Proposed New or Modified Stationary Sources of Air Pollution and Emission Trading for Intrasource Pollutants.*

**2.4. Term and Renewal**

- 2.4.1. This permit supersedes and replaces previously issued Permit R13-3111A. This Permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13 or any other applicable legislative rule;

**2.5. Duty to Comply**

- 2.5.1. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Application R13-3111, R13-3111A, R13-3111B, and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to;  
**[45CSR§§13-5.11 and 10.3.]**
- 2.5.2. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA;
- 2.5.3. Violations of any of the conditions contained in this permit, or incorporated herein by reference, may subject the permittee to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7;
- 2.5.4. Approval of this permit does not relieve the permittee herein of the responsibility to apply for and obtain all other permits, licenses, and/or approvals from other agencies; i.e., local, state, and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted.

**2.6. Duty to Provide Information**

The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for administratively updating, modifying, revoking, or terminating the permit or to determine compliance with the permit. Upon request, the

permittee shall also furnish to the Secretary copies of records to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.

## **2.7. Duty to Supplement and Correct Information**

Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.

## **2.8. Administrative Update**

The permittee may request an administrative update to this permit as defined in and according to the procedures specified in 45CSR13.

**[45CSR§13-4.]**

## **2.9. Permit Modification**

The permittee may request a minor modification to this permit as defined in and according to the procedures specified in 45CSR13.

**[45CSR§13-5.4.]**

## **2.10 Major Permit Modification**

The permittee may request a major modification as defined in and according to the procedures specified in 45CSR14 or 45CSR19, as appropriate.

**[45CSR§13-5.1]**

## **2.11. Inspection and Entry**

The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

- a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

## **2.12. Emergency**

- 2.12.1. An “emergency” means any situation arising from sudden and reasonable unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
- 2.12.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of Section 2.12.3 are met.
- 2.12.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
- a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
  - d. The permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.
- 2.12.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
- 2.12.5 The provisions of this section are in addition to any emergency or upset provision contained in any applicable requirement.

## **2.13. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a permittee in an enforcement action that it should have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.

## **2.14. Suspension of Activities**

In the event the permittee should deem it necessary to suspend, for a period in excess of sixty (60) consecutive calendar days, the operations authorized by this permit, the permittee shall notify the Secretary, in writing, within two (2) calendar weeks of the passing of the sixtieth (60) day of the suspension period.



## **2.15. Property Rights**

This permit does not convey any property rights of any sort or any exclusive privilege.

## **2.16. Severability**

The provisions of this permit are severable and should any provision(s) be declared by a court of competent jurisdiction to be invalid or unenforceable, all other provisions shall remain in full force and effect.

## **2.17. Transferability**

This permit is transferable in accordance with the requirements outlined in Section 10.1 of 45CSR13.  
**[45CSR§13-10.1.]**

## **2.18. Notification Requirements**

The permittee shall notify the Secretary, in writing, no later than thirty (30) calendar days after the actual startup of the operations authorized under this permit.

## **2.19. Credible Evidence**

Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defense otherwise available to the permittee including, but not limited to, any challenge to the credible evidence rule in the context of any future proceeding.

### 3.0. Facility-Wide Requirements

#### 3.1. Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR§6-3.1.  
[45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.  
[45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management, and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them.  
[40CFR§61.145(b) and 45CSR§34]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.  
[45CSR§4-3.1] *[State Enforceable Only]*
- 3.1.5. **Permanent shutdown.** A source which has not operated at least 500 hours in one 12-month period within the previous five (5) year time period may be considered permanently shutdown, unless such source can provide to the Secretary, with reasonable specificity, information to the contrary. All permits may be modified or revoked and/or reapplication or application for new permits may be required for any source determined to be permanently shutdown.  
[45CSR§13-10.5.]
- 3.1.6. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11.  
[45CSR§11-5.2.]

#### 3.2. Monitoring Requirements

*[Reserved]*

#### 3.3. Testing Requirements

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary

exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4. or 45CSR§13-5.4 as applicable.
- b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4. or 45CSR§13-5.4 as applicable.
- c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.
- d. The permittee shall submit a report of the results of the stack test within sixty (60) days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1.; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:
  1. The permit or rule evaluated, with the citation number and language;
  2. The result of the test for each permit or rule condition; and,
  3. A statement of compliance or noncompliance with each permit or rule condition.

**[WV Code § 22-5-4(a)(14-15) and 45CSR13]**

### **3.4. Recordkeeping Requirements**

- 3.4.1. **Retention of records.** The permittee shall maintain records of all information (including monitoring data, support information, reports, and notifications) required by this permit recorded

in a form suitable and readily available for expeditious inspection and review. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation. The files shall be maintained for at least five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two (2) years of data shall be maintained on site. The remaining three (3) years of data may be maintained off site, but must remain accessible within a reasonable time. Where appropriate, the permittee may maintain records electronically (on a computer, on computer floppy disks, CDs, DVDs, or magnetic tape disks), on microfilm, or on microfiche.

- 3.4.2. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.  
**[45CSR§4. State Enforceable Only.]**

### 3.5. Reporting Requirements

- 3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- 3.5.2. **Confidential information.** A permittee may request confidential treatment for the submission of reporting required by this permit pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.
- 3.5.3. **Correspondence.** All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

**If to the DAQ:**

Director  
WVDEP  
Division of Air Quality  
601 57<sup>th</sup> Street  
Charleston, WV 25304-2345

**If to the US EPA:**

Associate Director  
Office of Air Enforcement and Compliance Assistance  
(3AP20)  
U.S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

#### 3.5.4. Operating Fee

- 3.5.4.1. In accordance with 45CSR30 – Operating Permit Program, the permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.

- 3.5.5. **Emission inventory.** At such time(s) as the Secretary may designate, the permittee herein shall prepare and submit an emission inventory for the previous year, addressing the emissions from the facility and/or process(es) authorized herein, in accordance with the emission inventory submittal requirements of the Division of Air Quality. After the initial submittal, the Secretary may, based upon the type and quantity of the pollutants emitted, establish a frequency other than on an annual basis.

## 4.0. Source-Specific Requirements

### 4.1. Limitations and Standards

4.1.1. The following conditions and requirements are specific to Boiler 13 and Boiler 14:

- a. CO emissions emitted to the atmosphere from each boiler shall not exceed 6.59 pounds per hour with an annual rate not to exceed 28.86 tpy. Compliance with this limit shall be satisfied by optimization of the CO concentration from the unit during the tune-up as required in Condition 4.1.3. and satisfying Condition 4.1.1.d..
- b. NO<sub>x</sub> emissions emitted to the atmosphere from each boiler shall not exceed 3.94 pounds per hour with an annual rate not to exceed of 17.17 tons per year. Compliance with this limit is satisfied by verifying the manufacturer's NO<sub>x</sub> emission setting and/or specification during the tune-up of the unit. Compliance with the annual limit is satisfied by complying with Condition 4.1.1.d.
- c. Each boiler shall only be fired with pipeline quality natural gas. This condition satisfies compliance with the limitations of 45CSR§2-3.1., 45CSR§2-4.1.b., and 45CSR§10-3.1.e.
- d. Each boiler shall be designed or constructed with a maximum design heat input of 80 MMBtu/hr. Compliance with this limit for each boiler shall be satisfied by limiting the annual consumption of natural gas to 692 MM cubic feet, measured as a 12 month rolling total.  
**[45CSR§2A-3.1.a., 45CSR§10-10.3., and 45CSR§10A-3.1.b.]**

4.1.2. The following conditions and requirements are specific to Boiler 15:

- a. CO emissions emitted to the atmosphere from each boiler shall not exceed 1.01 pounds per hour with an annual rate not to exceed 4.41 tpy. Compliance with this limit shall be satisfied by optimization of the CO concentration from the unit during the tune-up as required in Condition 4.1.3. and satisfying Condition 4.1.2.d.
- b. NO<sub>x</sub> emissions emitted to the atmosphere from each boiler shall not exceed 1.00 pounds per hour with an annual rate not to exceed of 4.35 tons per year. Compliance with this limit is satisfied by verifying the manufacturer's NO<sub>x</sub> emission setting and/or specification during the tune-up of the unit. Compliance with the annual limit is satisfied by complying with Condition 4.1.2.d.
- c. The boiler shall only be fired with pipeline quality natural gas. This condition satisfies compliance with the limitations of 45CSR§2-3.1., 45CSR§2-4.1.b., and 45CSR§10-3.1.e.
- d. Each boiler shall be designed or constructed with a maximum design heat input of 27.3 MMBtu/hr. Compliance with this limit for each boiler shall be satisfied by limiting the annual consumption of natural gas to 234.5 MM cubic feet, measured as a 12 month rolling total.  
**[45CSR§2A-3.1.a., 45CSR§10-10.3., and 45CSR§10A-3.1.b.]**

4.1.3. The following conditions and requirements are specific to Boilers 16, 17, and 18:

- a. CO emissions emitted to the atmosphere from each boiler shall not exceed 12.0 pounds per hour on a 3-hour average with an annual rate not to exceed 52.4 tpy. Initial compliance with this limit shall be satisfied through testing as required in Condition 4.3.1. After the initial compliance demonstration, verifying compliance with this hourly limit shall be satisfied by

optimization of the CO concentration from the unit during the tune-up as required in Condition 4.1.4. and the verifying compliance with the annual limit shall be determined by satisfying the fuel usage limit of Condition 4.1.3.e.

- b. NO<sub>x</sub> emissions emitted to the atmosphere from each boiler shall not exceed 0.036 pounds per MMBtu. Compliance with this limit shall be determined on a continuous basis through the use of a 30-day rolling average emission rate. A new 30-day rolling average emission rate is calculated each steam generating unit operating day as the average of all of the hourly NOX emission data for the preceding 30 steam generating unit operating days. This limit applies at all times including periods of startup, shutdown, or malfunction.  
**[40 CFR §60.44b(a), (h), and (i); 40 CFR §60.46b(e)(3)]**

- c. Each boiler shall only be fired with pipeline quality natural gas. This condition satisfies compliance with the limitations of 45CSR§2-3.1., 45CSR§2-4.1.b., and 45CSR§10-3.1.e.

- d. Each boiler shall be equipped, maintained, operated with an oxygen trim system that maintains an optimum air to fuel ratio for each unit. Such system shall be installed upon initial start-up of the unit.  
**[40 CFR §63.7575]**

- e. Each boiler shall be designed or constructed with a maximum design heat input of no greater than 350 MMBtu/hr. Compliance with this limit for each boiler shall be satisfied by limiting the annual consumption of natural gas to 2,942.4 MM cubic feet, measured as a 12 month rolling total.  
**[45CSR§2A-3.1.a., 45CSR§10-10.3., and 45CSR§10A-3.1.b.]**

- 4.1.4. The permittee shall conduct the initial tune-up and subsequent tune-ups for the boilers in accordance with the following timing and tune-up requirements:

- a. The initial tune up for Boiler Nos. 13, 14, and 15 shall be completed by no later than January 31, 2016.  
**[40 CFR §63.7510(e) & §63.7495(b)]**

- b. The initial tune up for Boiler Nos. 16, 17, and 18 shall be completed no later than 61 months after initial start-up of each affected unit respectively.  
**[40 CFR §63.7510(g) & §63.7490(b)]**

- c. Subsequent tune-ups for Boilers Nos. 13, 14, and 15 shall be completed no later than 13 months after the previous tune-up.  
**[40 CFR §63.7515(d), §63.7540(a)(10)]**

- d. Subsequent tune-ups for Boilers Nos. 16, 17, and 18 shall be completed no later than 61 months after the previous tune-up.  
**[40 CFR §63.7515(d) § 63.7540(a)(12)]**

- e. Each tune-up shall consist of the following:
  - i. As applicable, inspect the burner, and clean or replace any components of the burner as necessary (permittee may delay the burner inspection until the next scheduled unit shutdown). At units where entry into a piece of process equipment or into a storage vessel is required to complete the tune-up inspections, inspections are required only during planned entries into the storage vessel or process equipment;
  - ii. Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available;

- iii. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly (you may delay the inspection until the next scheduled unit shutdown);
- iv. Optimize total emissions of CO. This optimization should be consistent with the manufacturer's specifications, which includes the manufacturer's NO<sub>x</sub> concentration specification of 30 ppm;
- v. Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer.

**[40 CFR §63.7500(a)(1), §63.7505(a), §63.7510(e), §63.7515(d), §63.7540(a)(10), and Table 3 to Subpart DDDDD of Part 63—Work Practice Standards]**

- 4.1.5. The permittee shall conduct a one-time energy assessment of the facility, which shall include Boilers Nos. 13, 14, and 15, as specified in Table 3 of 40 CFR 63 Subpart DDDDD. Pursuant to 40 CFR §63.7510(e), the energy assessment shall be completed no later than January 31, 2016.  
**[40 CFR §63.7500(a)(1), §63.7505(a), and Table 3 of 40 CFR 63 Subpart DDDDD]**
- 4.1.6. Within 180 days after initial start-up of Boiler Nos. 16, 17, and 18 or no later than after the first 90 consecutive operating days of any one of Boiler Nos. 16, 17, and 18, the permittee must permanently shut-down Boiler Nos. 10, 11, and 12 in Power House #2 and Boiler Nos. 13, 14, and 15 covered in Conditions 4.1.1. and 4.1.2. of this permit.  
**[45 CSR 14-2.46.h.]**
- 4.1.7. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.  
**[45CSR§13-5.11.]**

## **4.2. Monitoring Requirements**

- 4.2.1. For each month, the permittee shall record the hours of operation and amount of natural gas consumed by Boiler Nos. 13, 14, and 15, and shall calculate the rolling yearly total of natural gas consumed. The permittee may record the total amount of natural gas consumed by the boilers on a combined basis. If so, compliance with Conditions 4.1.1.e. and 4.1.2.d. are satisfied when the 12 month rolling total is less than 1618.5 MM cubic feet of natural gas. Such records shall be maintained in accordance with Condition 3.4.1. of this permit.  
**[40 CFR §60.48c(g)(2) and 45CSR§2A-7.1.a.1.]**
- 4.2.2. The permittee shall record and maintain records of the amount of natural gas consumed by Boiler Nos. 16, 17, and 18 during each day and calculate the annual capacity factor for the reporting period. The annual capacity factor is determined on a 12-month rolling average basis with a new annual capacity calculated at the end of each calendar month. Such records shall be maintained in accordance with Condition 3.4.1. of this permit.  
**[40 CFR §60.49b(d)(1)]**
- 4.2.3. For Boiler Nos. 16, 17, and 18, the permittee shall install, operate, certify and maintain a continuous emission monitoring system (CEMS) for measuring NO<sub>x</sub>, and diluent gas (CO<sub>2</sub> or O<sub>2</sub>)



from the exhaust of each boiler in accordance with the applicable Performance Specifications under Appendix B to Part 60 of Chapter 40 or a NO<sub>x</sub> CEMS that meets the requirements of Part 75 of Chapter 40 of the Code of Federal Regulations. A NO<sub>x</sub> CEMS installed, operated, maintained and continuing to meet the ongoing requirements of Part 75 of the Chapter 40, may be used for the purpose of demonstrating compliance with the NO<sub>x</sub> in Condition 4.1.3.b., except that the permittee shall also meet the requirements of §60.49b. Such monitor system shall include an automated data acquisition and handling system (DAHS). All required certification tests of the monitoring system must be completed no later than 90 unit operating days or 180 calendar days (whichever is sooner) after initial start-up of each boiler.

The procedures under §60.13 shall be followed for installation, evaluation, and operation of the continuous monitoring systems. The span value for NO<sub>x</sub> shall be 500 ppm or the value determined according to Section 2.1.2. in Appendix A to Part 75 of Chapter 40.

The CEMS required under this condition shall be operated and data recorded during all periods of operation of the respected boiler except for CEMS breakdowns and repairs. Data is recorded during calibration checks, and zero and span adjustments.

The 1-hour average NO<sub>x</sub> emission rates measured by the continuous NO<sub>x</sub> monitor required by this condition and required under 40 CFR §60.13(h) shall be expressed in lb/MMBtu heat input and shall be used to calculate the average emission rates under item b of Condition 4.1.3. The 1-hour averages shall be calculated using the data points required under §60.13(h)(2).

When NO<sub>x</sub> emission data are not obtained because of CEMS breakdowns, repairs, calibration checks and zero and span adjustments, emission data will be obtained by using standby monitoring systems, Method 7 of appendix A of this part, Method 7A of Appendix A of this part, or other approved reference methods to provide emission data for a minimum of 75 percent of the operating hours in each steam generating unit operating day, in at least 22 out of 30 successive steam generating unit operating days.

CEMS unit conforming to the specifications of 40 CFR Part 75 shall use unbiased, un-substituted data to demonstrate compliance with the limits as specified in this permit.

For purposes of calculating data averages, the permittee cannot use data recorded during periods of monitoring malfunctions, associated repairs, out-of-control periods, required quality assurance or control activities. The permittee must use all the data collected during all other periods in assessing compliance with the emission limit permitted in Condition 4.1.3. Any periods for which the monitoring system is out of control and data are not available for required calculations constitute a deviation from the monitoring requirements. Records of all data collected, calibrations, calibration checks, relative accuracy tests, maintenance performed, and malfunctions of the CEMS shall be maintained in accordance with Condition 3.4.1. of this permit.

**[40 CFR §§60.48b(b) though (f), 45 CSR §40-71. and 40 CFR §75.20.]**

### **4.3. Testing Requirements**

- 4.3.1. The purpose of this requirement is for the permittee to demonstrating initial compliance with the CO emission limit in Condition 4.1.3.a. Within 180 days after start-up and a satisfactory performance evaluation of the NO<sub>x</sub> CEMs, the permittee shall conduct initial performance testing for Boiler Nos. 16, 17, 18 to demonstrate initial compliance with the hourly CO rate in Condition 4.1.3.a. for each unit. The permittee shall conduct such testing at 90 percent or greater of each unit's maximum design heat input, in accordance with Test Method 10B from Appendix A to 40 CFR Part 60, and Condition 3.3.1. In the test report, the permittee shall include the NO<sub>x</sub>

measurement from the NO<sub>x</sub> CEM for each test run of each test. Records of this testing shall be maintained in accordance with Condition 3.4.1.

- 4.3.2. To determine initial compliance with the emission limits for NO<sub>x</sub> required under 40 CFR §60.44b and Condition 4.1.3.b., the permittee shall conduct the performance test for Boiler Nos. 16, 17, and 18 as required under 40 CFR §60.8 using the continuous system for monitoring NO<sub>x</sub> (NO<sub>x</sub> CEMS) under Condition 4.2.3. Such testing shall be conducted within 60 days after achieving the maximum production rate at which the affected unit will be operated, but not later than 180 days after initial startup of the boiler.

NO<sub>x</sub> emissions from the steam generating unit are to be monitored for 30 successive steam generating unit operating days and the 30-day average emission rate is used to determine compliance with the NO<sub>x</sub> emission standards under Condition 4.1.3.b. and 40 CFR §60.44b. The 30-day average emission rate is calculated as the average of all hourly emissions data recorded by the monitoring system during the 30-day test period. Such testing shall be conducted in accordance with Condition 3.3.1. and 40 CFR §60.46b. Records of this testing shall be maintained in accordance with Condition 3.4.1.

**[40 CFR §60.8, §60.46b(c) & (e)(1)]**

#### **4.4. Recordkeeping Requirements**

- 4.4.1. **Record of Monitoring.** The permittee shall keep records of monitoring information that include the following:

- a. The date, place as defined in this permit, and time of sampling or measurements;
- b. The date(s) analyses were performed;
- c. The company or entity that performed the analyses;
- d. The analytical techniques or methods used;
- e. The results of the analyses; and
- f. The operating conditions existing at the time of sampling or measurement.

- 4.4.2. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.

- 4.4.3. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.0, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:

- a. The equipment involved.
- b. Steps taken to minimize emissions during the event.
- c. The duration of the event.
- d. The estimated increase in emissions during the event.

For each such case associated with an equipment malfunction, the additional information shall also be recorded:

- e. The cause of the malfunction.
- f. Steps taken to correct the malfunction.
- g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.

4.4.4. The permittee shall keep the following records in accordance with 40CFR§63.7555. This includes but is not limited to the following information during the tune-up as required in Condition 4.1.4. and 40 CFR §63.7540:

- a. The concentrations of CO in the effluent stream in parts per million by volume, and oxygen in volume percent, measured at high fire or typical operating load, before and after the tune-up of the boiler or process heater. During the tune-up, concentrations of NO<sub>x</sub> from the CEMS of the unit shall be included; and

- b. A description of any corrective actions taken as a part of the tune-up.  
**[40 CFR §§63.7540(a)(10)(vi) and 63.7555]**

4.4.5. The permittee shall maintain records of the following information for each steam generating unit operating day of Boiler Nos. 16, 17, and 18:

- a. Calendar date;
- b. The average hourly NO<sub>x</sub> emission rates (expressed as NO<sub>2</sub>) (lb/MMBtu heat input) measured or predicted;
- c. The 30-day average NO<sub>x</sub> emission rates (lb/MMBtu heat input) calculated at the end of each steam generating unit operating day from the measured or predicted hourly nitrogen oxide emission rates for the preceding 30 steam generating unit operating days;
- d. Identification of the steam generating unit operating days when the calculated 30-day average NO<sub>x</sub> emission rates are in excess of the NO<sub>x</sub> emissions standards under §60.44b, with the reasons for such excess emissions as well as a description of corrective actions taken;
- e. Identification of the steam generating unit operating days for which pollutant data have not been obtained, including reasons for not obtaining sufficient data and a description of corrective actions taken;
- f. Identification of the times when emission data have been excluded from the calculation of average emission rates and the reasons for excluding data;
- g. Identification of “F” factor used for calculations, method of determination, and type of fuel combusted;
- h. Identification of the times when the pollutant concentration exceeded full span of the CEMS;
- i. Description of any modifications to the CEMS that could affect the ability of the CEMS to comply with Performance Specification 2 or 3; and
- j. Results of daily CEMS drift tests and quarterly accuracy assessments as required under appendix F, Procedure 1 of Part 60.

Such records shall be maintained in accordance with Condition 3.4.1. of this permit.  
**[40 CFR §60.49b(g)]**

#### **4.5. Reporting Requirements**

4.5.1. The permittee shall submit a “Notification of Compliance Status” for boiler Nos. 13, 14, and 15 to the Director before the close of business on the sixtieth (60<sup>th</sup>) day after completion of the initial compliance demonstration as required in 40 CFR §63.7530(e). Such “Notification of Compliance Status” shall be in accordance with 40 CFR §63.9(h)(2)(ii) and contain the information specified in 40 CFR §§63.7545(e)(1), and (8), which includes a statement the one time energy assessment was completed as required in Condition 4.1.5., the initial tune-up for each boiler was completed.  
**[40CFR§63.7545(e), §63.7530(e)]**

4.5.2. The permittee shall submit an “Initial Notification” to the Director of the initial start-up of Boiler Nos. 16, 17, and 18 within 15 days after the actual date of start-up. This Initial Notification supersedes the notification requirements of Condition 2.18.  
**[40CFR§§63.7545(c) & 40 CFR §60.48b(a), 60.7 ]**

4.5.3. The permittee shall submit “Annual Compliance Reports” for the Boiler Nos. 13, 14, and 15 electronically using CEDRI that is accessed through the EPA’s Center Data Exchange (CDX) ([www.epa.gov/cdx](http://www.epa.gov/cdx)). However, if the reporting form for this report is not available in CEDRI at the time the report is due, the permittee shall submit the report to the Administrator and Director using the addresses listed in Condition 3.5.3. The first report being submitted no later than January 31, 2017 and subsequent reports submitted no later than January 31 of the following year. Such reports shall contain the information specified in 40 CFR §§63.7550(c)(5) (i)through (iv) and (xiv) which are:

- a. Permittee and facility name, and address;
- b. Process unit information, emission limitations, and operating limitations;
- c. Date of report and beginning and ending dates of the reporting period;
- d. The total operating time during the reporting period of each affected unit;
- e. Include the date of the most recent tune-up for each boiler; and
- f. Include the date of the most recent burner inspection if it was not done annually and was delayed until the next scheduled or unscheduled unit shutdown.

The permittee shall maintain records of such reports in accordance with Condition 3.4.1.  
**[40CFR §§63.7550(b), (b)(1), (c)(1), & (c)(5)(i) though (iv) and (xiv), and (h)(3)]**

4.5.4. The permittee shall submit “5-year Compliance Reports” for the Boiler Nos. 16, 17, and 18 electronically using CEDRI that is accessed through the EPA’s Center Data Exchange (CDX) ([www.epa.gov/cdx](http://www.epa.gov/cdx)). However, if the reporting form for this report is not available in CEDRI at the time the report is due, the permittee shall submit the report to the Administrator and Director using the addresses listed in Condition 3.5.3. The first compliance report shall be submitted no later than five years after the initial start-up of the unit and the first date ending on January 31. Subsequent reports shall be submitted once every five years afterwards. Such reports shall contain the information specified in 40 CFR §§63.7550(c)(5) (i)through (iv) and (xiv) which are:

- g. Permittee and facility name, and address;
- h. Process unit information, emission limitations, and operating limitations;

- i. Date of report and beginning and ending dates of the reporting period;
- j. The total operating time during the reporting period of each affected unit;
- k. Include the date of the most recent tune-up for each boiler; and
- l. Include the date of the most recent burner inspection if it was not done annually and was delayed until the next scheduled or unscheduled unit shutdown.

The permittee shall maintain records of such reports in accordance with Condition 3.4.1.

**[40CFR §§63.7550(b), (b)(1), (c)(1), & (c)(5)(i) though (iv) and (xiv), and (h)(3)]**

- 4.5.5. The permittee shall submit to the Director within 45 days of completion of NO<sub>x</sub> CEMS performance evaluation for Boiler Nos. 16, 17, and 18 two copies of the performance evaluation report for each unit. A copy of the NO<sub>x</sub> CMS Certification Application required by 40 CFR Part 75 provisions shall be submitted in the Director within 45 days of completion of all certification tests.

**[40 CSR §40-74.3., 40 CFR §75.63.(a)(1), and 40 CFR §60.49b(b) ]**

- 4.5.6. The permittee shall submit semiannual reports to the Director for Boiler Nos. 16, 17, and 18. The reporting period for these reports shall be January 1<sup>st</sup> through June 30<sup>th</sup> and July 1<sup>st</sup> through December 31<sup>st</sup>. Such reports shall be submitted with the facility's Title V Compliance Report. These reports shall contain the recorded information as required in Condition 4.4.5.

**[40 CFR §60.49b(g), (i), & (w)]**

- 4.5.7. The permittee shall notify the Director in writing within 15 days of satisfying the requirements in Condition 4.1.6.

## CERTIFICATION OF DATA ACCURACY

I, the undersigned, hereby certify that, based on information and belief formed after reasonable inquiry, all information contained in the attached \_\_\_\_\_, representing the period beginning \_\_\_\_\_ and ending \_\_\_\_\_, and any supporting documents appended hereto, is true, accurate, and complete.

Signature<sup>1</sup>

(please use blue ink)

Responsible Official or Authorized Representative \_\_\_\_\_

Date \_\_\_\_\_

Name & Title

(please print or type)

Name \_\_\_\_\_

Title \_\_\_\_\_

Telephone No. \_\_\_\_\_

Fax No. \_\_\_\_\_

<sup>1</sup> This form shall be signed by a “Responsible Official.” “Responsible Official” means one of the following:

- a. For a corporation: The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
  - (i) the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), or
  - (ii) the delegation of authority to such representative is approved in advance by the Director;
- b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
- c. For a municipality, State, Federal, or other public entity: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of U.S. EPA); or
- d. The designated representative delegated with such authority and approved in advance by the Director.